

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 09/687,450

ATTORNEY DOCKET NO. A8497

REMARKS

This Response, submitted in reply to the Office Action dated February 23, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

As a preliminary matter, claims 26-27, 56-57, and 86-87 have been objected to for informalities. The Examiner states that the meaning of "...a volume of a datastore" is unclear. It is respectfully submitted that the phrase "a volume of a datastore" would have been readily understood by a person of ordinary skill in the art at the time of the invention. Not only is a volume of a datastore described in the specification; but even the prior art of record refers to "volumes" with respect to storage media. (See, for example, USP 5,832,508, col. 25, lines 4-6 and 20-34.) See also specification at page 13, lines 25 to page 14, line 7 ("It may be desirable for the object recovery system 124 to utilize volume-based backup procedures if the backup is taken by 'snapping' the entire database. In other words, all of the data, metadata and system volumes (such as recover logs, etc.) may be copied simultaneously.") Therefore, Applicant submits that the meaning of "volume" would be clear to a person of ordinary skill in the art, and consequently, the objection to claims 26-27, 56-57, and 86-87 should be withdrawn.

Turning to the merits of the Office Action, claims 1-90 are pending in the present application. Claims 1-90 have been rejected under 35 U.S.C. § 102(e) as being anticipated over Lyle *et al.* (U.S. Patent No. 6,651,073). Applicant submits the following in traversal of the rejection.

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Claim 1

Claim 1 recites "...scanning a database log, wherein the database log records activities related to the database; and identifying one or more individual objects to be recovered to a target item with reference to a backup time."

Lyle describes a method and apparatus for insuring database integrity without data recovery logging. Lyle uses a two-phase commit operation for a transaction in a distributed system and ensures at each database that all modified data pages are written to disk before the end of a phase one commit. Col. 5, lines 19-23. In the Office Action the discussion at col. 8, lines 26-48 is cited as disclosing all the limitations of claim 1. However, it is respectfully submitted that the cited portion of Lyle does not disclose, or even suggest identifying one or more individual objects to be recovered to a target time with respect to a backup time, as required by claim 1. The recovery of data in Lyle is based on scanning forward from the last *checkpoint* to reapply changes to all data and control information. The portion of Lyle cited in the Office Action does not even disclose reference to a back up time and there is no indication that one or more individual objects to be recovered to a *target time* are identified with reference to a *backup time*. Accordingly, Lyle does not disclose all the limitations of claim 1.

For the above reasons, claim 1 and its dependent claims should be deemed patentable. Since claims 31 and 61 also recite reference to a backup time, claims 31 and 61 and their dependent claims also are not anticipated by Lyle.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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